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DETAILED ACTION

1. The amendment filed on 1/14/08 is entered. The examiner acknowledges the English translated German priority document 199 05 128 filed on 2/1/1999. Therefore, this application gets priority as of 2/1/1999.

Status of Claims

2. Claims 1-20 are pending.

Claims 2 is canceled.

Claims 1, 3, 5-6, 13, 14 and 17 with respect to elected SEQ.ID.NO:1 are under examination.

Claims 4, 7-12, 15, 16, 18, and 19-20 are withdrawn from further consideration pursuant to 37CFR 1.142(b), as being drawn to a nonelected inventions, there being no allowable generic or linking claim.

Examiner's amendment

3. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Karen Elbing on 4/16/08. The application has been amended as follows:

Claims 4, 7-12, 15, 16, 18, and 19-20 are canceled.

Claim 1. (Currently Amended) An isolated protein, wherein said protein is an active mature protein and wherein said protein

a) has one of the following sequences:

a) SEQ ID NO: 1 (SAP-2); or

b) ~~has allelic modifications of SEQ ID NO: 1 one, whereby at least one amino acid of the amino acid sequence is substituted, deleted, or inserted, without in this case significantly affecting the activity of the active protein, or~~

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⇒ b) has post-translational modifications of SEQ ID NO: 1 and said modifications do not significantly affect the activity of the active protein, wherein said activity of the active protein is antimicrobial or antibiotic activity.

Claim 3. (Currently Amended) The Protein protein according to claim 1, which has a mobility of 6 kDa in the SDS-gel electrophoresis.

Claim 5. (Currently Amended) The Protein protein according to claim 1, whereby protective groups are arranged at the N-terminus and/or the C-terminus.

Claim 6. (Currently Amended) The Protein protein according to claim 1, which is a recombinant protein.

Claim 13. (Currently Amended) The Protein protein according to claim 1 as a pharmaceutical active ingredient.

Claim 14. (Currently Amended) A Ppharmaceutical composition that contains one of the proteins according to claim 1 or a mixture thereof in the presence of pharmaceutically compatible and acceptable compounds and vehicles.

Claim 17. (Currently Amended) A method of treating ~~or preventing~~ bacterial infections ~~caused by microorganisms~~ in a subject in need thereof, said method comprising administering to said subject one or more of the proteins according to claim 1.

4. In view of amendments to the claims and arguments of record, all the rejections of record are withdrawn.

5. Claims 1, 3, 5, 6, 13, 14 and 17 are allowed and have been renumbered as 1-7 respectively.

Remarks

6. Claims are drawn to a novel protein, SEQ.ID.NO:1 having antibiotic or antimicrobial activity. Therefore a pharmaceutical composition comprising said protein is useful to treat bacterial infections.

Conclusion

7. Papers related to this application may be submitted to Group 1600, AU 1645 by facsimile transmission. Papers should be transmitted via the PTO Fax Center, which receives

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transmissions 24 hours a day and 7 days a week. The transmission of such papers by facsimile must conform to the notice published in the Official Gazette, 1096 OG 30, November 15, 1989. The Right Fax number is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PMR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PMR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PMR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Padma Baskar Ph.D., whose telephone number is ((571) 272-0853. A message may be left on the Examiner's voice mail system. The Examiner can normally be reached on Monday to Friday from 6.30 a.m. to 4.00 p.m. except First Friday of each bi-week.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Shanon Foley can be reached on (571) 272-0898.

/Padma v Baskar/

Examiner, Art Unit 1645

/Shanon A. Foley/

Supervisory Patent Examiner, Art Unit 1645